

1 E. Carter

2 Q. And the rest of the evening was  
3 just pleasant conversation?

4 MR. GOODSTADT: Objection.

5 A. I had one other drink later on.

6 Q. So you had three drinks?

7 A. Down with the officers later on,  
8 yes.

9 Q. What officers?

10 A. George Hesse. The ones -- Jimmy  
11 Albanese. The ones that were at Maguire's.

12 Q. Oh. Okay. So the officers that  
13 you were talking about that were at Jimmy  
14 Maguire's that were drinking on duty, you  
15 joined them for a drink?

16 A. I didn't join them for a drink.  
17 I walked in on them, and when I said that to  
18 George, George told me, "Shut up," and then  
19 handed me a shot.

20 Q. And you drank it?

21 A. He said, "Drink." Yeah. I was  
22 off. Yes.

23 Q. Let me understand this now.  
24 You're at one bar at Ocean Beach and you  
25 have a couple drinks in a three-hour period

1 E. Carter

2 of time with a fellow officer who's going  
3 off to Iraq, right?

4 A. Yes.

5 Q. You then go to another bar,  
6 right?

7 A. Um-hum (indicating).

8 Q. Why were you going to the other  
9 bar?

10 A. I was looking for the officers to  
11 make sure when they got off at 4:00, that I  
12 could get a ride out to my vehicle so I  
13 could drive home.

14 Q. And how did you know other  
15 officers were going to be at Maguire's?

16 A. I didn't. It was at the other  
17 side of the village, and that's when I was  
18 walking around looking for everybody.

19 Q. And you then show up at Maguire's  
20 and you say what to George?

21 MR. GOODSTADT: Objection.

22 A. I first couldn't -- I didn't see  
23 George there at first. He was in the front  
24 part up against the bar.

25 Q. You didn't see George when you

1 E. Carter

2 walked into the bar?

3 A. At first, no.

4 Q. How many people were in the bar  
5 at 3:00 in the morning?

6 A. Several. It was Labor Day  
7 weekend. There was -- my estimate, to the  
8 best of my knowledge at this time, would be  
9 approximately 50 or better.

10 Q. Okay. So you didn't see George  
11 when you walked in, but at some point in  
12 time you said something to George, right?

13 A. Yes.

14 Q. What did you say to George?

15 MR. GOODSTADT: Objection.

16 A. I told him, I said, "You know,  
17 this is bullshit."

18 Q. And he told you to shut up?

19 A. Yes.

20 Q. And then he hands you a shot?

21 A. Couple seconds, minute later,  
22 yes.

23 Q. And you drank it?

24 A. Yes.

25 Q. Why? A man just told you to shut

1 E. Carter

2 up after you made a complaint. He hands you  
3 a shot. This is the man that has laughed at  
4 you, ignored you for two and a half years  
5 concerning the issue of officers drinking on  
6 duty. Why did you drink with him that night  
7 when he said "here's a shot"?

8 MR. GOODSTADT: Objection.

9 A. I wound up drinking a shot, yes.

10 Q. My question is why, sir? Why did  
11 you drink the shot that George Hesse gave  
12 you after two and a half years of him  
13 ignoring your complaints concerning officers  
14 drinking on duty?

15 A. You have to understand, when you  
16 make a complaint with George and you go  
17 against him, he becomes very hostile, very  
18 retaliatory, and he'll -- he would basically  
19 explode on you in his own words.

20 Q. So you had a shot because you  
21 were afraid that George Hesse was going to  
22 yell at you?

23 A. I had a shot because I only had  
24 two prior and I wasn't -- had a limit that  
25 I would be drunk to drive home, so yes, I

1 E. Carter

2 had one.

3 Q. Sir, I'm not questioning your  
4 inebriation or lack thereof when you had the  
5 shot with Mr. Hesse. I'm asking you -- the  
6 question is based upon what you've just  
7 said, did you drink that shot because you  
8 were afraid that Mr. Hesse would verbally  
9 explode on you?

10 A. Drink that shot for that reason,  
11 no.

12 Q. Did you drink that shot because  
13 you thought that Mr. Hesse would somehow  
14 retaliate against you if you didn't?

15 A. No.

16 Q. So I go back to my prior  
17 question, sir. You walk into that bar that  
18 night. The man that you have complained to  
19 for two and a half years concerning officers  
20 on duty drinking tells you to shut up. He  
21 hands you a shot of alcohol and you drink  
22 it. Why?

23 A. The shot was there. I wanted it  
24 and I drank it.

25 Q. Okay. And Mr. Hesse was on duty?

1 E. Carter

2 A. Yes.

3 Q. So you engaged in drinking with  
4 an on duty police officer?

5 MR. GOODSTADT: Objection.

6 Q. Is that your testimony?

7 MR. GOODSTADT: Objection.

8 A. I drank it and George Hesse had  
9 one, yes.

10 Q. You participated in drinking with  
11 an on duty police officer?

12 MR. GOODSTADT: Objection.

13 A. Yes.

14 Q. The conduct that you complained  
15 of for two and a half years, you  
16 participated in while you were off duty,  
17 correct?

18 A. Yes. I didn't tell him to drink  
19 it, though.

20 Q. I know. But you participated in  
21 the very conduct that you were complaining  
22 about, correct?

23 A. Yes.

24 Q. Now in the first page of your  
25 complaint, sir, you write "Plaintiffs are

1 E. Carter

2 five police officers who had the courage to  
3 overcome the blue wall of silence," do you  
4 recall that in your complaint?

5 MR. GOODSTADT: Objection.

6 A. Yes.

7 Q. You didn't show much courage that  
8 night when Mr. Hesse gave you the shot, did  
9 you?

10 MR. GOODSTADT: Objection.

11 A. Again, I was off duty. Yes.

12 Q. You believe you showed courage?

13 A. I didn't believe I had to show  
14 courage. I was in a legal establishment, a  
15 legal drink.

16 Q. Yeah, but Mr. Hesse was on duty,  
17 right?

18 A. Yes.

19 Q. And that was the conduct you  
20 complained of, correct?

21 A. Yes.

22 Q. You found it offensive that  
23 police officers were drinking on duty,  
24 correct?

25 A. Yes.

1 E. Carter

2 Q. You believed that it violated the  
3 public trust, correct?

4 A. Yes.

5 Q. You believed it put citizens in  
6 jeopardy, correct?

7 A. Yes.

8 Q. So you still believe that you  
9 didn't need to exercise courage and to say  
10 to Mr. Hesse, "no, I'm not going to  
11 participate in what I deem to be a breach of  
12 the public trust"?

13 MR. GOODSTADT: Objection.

14 Q. Is that your testimony, sir?

15 MR. GOODSTADT: Objection.

16 A. No.

17 Q. Okay. In 2006, sir, I think  
18 you've only -- well, I want you to take  
19 some time. Think about any other complaint  
20 in 2006 that you raised with Mr. Hesse  
21 concerning on duty police officers drinking.

22 A. 2006 I didn't work many hours.

23 Q. Regardless of how many hours you  
24 worked, you just said you can recall one  
25 incident during the Labor Day weekend.



1 E. Carter

2 A. That was 2005.

3 Q. Oh, my question to you, sir, was  
4 2006 I believe. Oh, it was 2005. You're  
5 right. I apologize. In 2005, sir, other  
6 than this one incident on Labor Day weekend  
7 that you can recall, can you recall any  
8 others? Complaints to George Hesse  
9 concerning officers drinking on duty?

10 A. No.

11 Q. Okay. If I gave you five minutes  
12 to think about it, do you think that would  
13 refresh your recollection?

14 MR. GOODSTADT: Objection.

15 A. Yes. Well, 2005, Paul Conway was  
16 still bringing the rocket fuels inside,  
17 but --

18 Q. My question, sir, is regardless  
19 of your witnessing of certain events, I'm  
20 asking you other than the complaint that you  
21 raised with Mr. Hesse in McGuire's during  
22 Labor Day weekend, can you recall any other  
23 complaints that you raised to Mr. Hesse in  
24 2005 concerning officers drinking on duty?

25 A. Cleaning out of the beer cans in

1 E. Carter

2 the cars. The officers pulling up to the  
3 check point with beers in their hand.

4 Q. And you made -- and you made  
5 these complaints to George Hesse?

6 A. George Hesse was driving the one  
7 night, yes.

8 Q. No. My question is not what  
9 Mr. Hesse was doing, not what you witnessed.  
10 We've gone through 2003, 2004, and 2005  
11 concerning direct complaints that you raised  
12 with Mr. Hesse, you would agree with me?

13 A. Yes.

14 Q. And you answered those questions  
15 truthfully, correct?

16 A. Yes.

17 Q. And I believe in 2003 you made  
18 three complaints, and in 2004 you said three  
19 complaints, right?

20 A. Yes.

21 Q. And in 2005 you've told me of one  
22 complaint Labor Day weekend. So my question  
23 is, are there any other complaints that you  
24 can recall that you made directly to George  
25 Hesse concerning the subject matter of

1 E. Carter

2 officers drinking on duty in 2005?

3 A. Not that I recall at this time.

4 Q. And, again, if I gave you an  
5 opportunity to think about it, do you think  
6 that would refresh your recollection?

7 A. Yes.

8 Q. Do you want take a couple  
9 minutes?

10 A. Yes.

11 Q. Please do. Oh, you wanted to go  
12 off the record and do that?

13 A. Oh, I'm sorry.

14 Q. No. It's up to you. However  
15 you --

16 A. I was going to use the bathroom.  
17 I'm sorry.

18 Q. You know what, then why don't we  
19 do this. Let's take a break. You go to the  
20 bathroom, you think about that, and come  
21 back and tell me if it refresh yours  
22 recollection.

23 THE VIDEOGRAPHER: This ends  
24 tape number one. The time is 10:45  
25 a.m. We're going off the record.

1 E. Carter

2 (A break was taken.)

3 THE VIDEOGRAPHER: This begins  
4 tape number two. The time is 10:55  
5 a.m. Back on the record.

6 Q. Mr. Carter, was that the only  
7 time you ever drank with Mr. Hesse on Ocean  
8 Beach?

9 A. Yes.

10 Q. Ever?

11 A. Yes.

12 Q. That's the only time you ever  
13 drank with Mr. Hesse on Fire Island?

14 A. Yes.

15 Q. Ever?

16 A. Yes.

17 Q. Was that the first time you ever  
18 drank alcohol with any other -- putting  
19 aside the night -- putting aside what you  
20 did between 12:00 and 3:00 that night, was  
21 that the only time that you ever drank  
22 alcohol with any other officer, whether on  
23 duty or off duty, on Ocean Beach?

24 A. No.

25 Q. Did you ever drink -- prior to

1 E. Carter

2 that time, did you ever drink with any  
3 officers -- well, withdrawn. Prior to that  
4 night, did you ever drink with any on duty  
5 officers on Ocean Beach?

6 A. No.

7 Q. So the only time you would have  
8 had a drink with an officer would have been  
9 when that particular officer was off duty?

10 A. Yes.

11 Q. How often, in 2005, did you drink  
12 with an off duty police officer on Ocean  
13 Beach?

14 A. Once.

15 Q. And that was just with Mr. Hesse?

16 A. Mr. Hank Clemens. Off duty with  
17 Hank and then George. The same instance.  
18 Same night.

19 Q. How about 2004?

20 A. 2004, none.

21 Q. 2003?

22 A. 2003, none.

23 Q. 2002?

24 A. 2002, none.

25 Q. 2001?

1 E. Carter

2 A. None.

3 Q. So then the only time you would  
4 have had a drink with any other officer,  
5 whether on duty or off duty, was that night  
6 during Labor Day weekend in 2005; is that  
7 correct?

8 A. No.

9 Q. You know what, then tell me the  
10 other times you would have had a drink of  
11 alcohol with an off duty police officer  
12 while on Ocean Beach?

13 A. 1991 we had a police party the  
14 end of the year.

15 Q. Okay.

16 A. 1992 we had a police party at the  
17 end of the year. 1993, when I went out of  
18 the village to Ocean Bay Park for dinner,  
19 after work, I might have had a drink.

20 Q. Okay.

21 A. So there were a couple times in  
22 '91 to '93.

23 Q. Got it. Let's continue on --  
24 well, let's go back to 2005 for a second.  
25 Did you complain to Chief Paridiso about

1 E. Carter

2 what you complained to Mr. Hesse about on  
3 Labor Day weekend 2005 concerning drinking  
4 while on duty?

5 A. No.

6 Q. Same question with regard to  
7 mayor -- excuse me, Mr. Loeffler?

8 A. No.

9 Q. Same question with regard to  
10 Mayor Rogers?

11 A. No.

12 Q. Same question with regard to  
13 trustees?

14 A. No.

15 Q. Did you communicate with any  
16 trustee or mayor of Ocean Beach in 2005  
17 concerning your complaint to Mr. Hesse?

18 A. No.

19 Q. Same question with regard to  
20 Mr. Paridiso?

21 A. No.

22 Q. 2006, did you make any complaints  
23 to George Hesse concerning on duty officers  
24 drinking?

25 A. No.

1 E. Carter

2 Q. Same question with regard to Ed  
3 Paridiso?

4 A. No.

5 Q. Same question with regard to any  
6 mayor or trustee at the time?

7 A. No.

8 Q. Let's now go to the second page  
9 of your Notice of Claim. "Items of damage  
10 or injuries claimed," do you see that, after  
11 number four, next to number four?

12 A. Yes.

13 Q. Let's go in the -- let's see what  
14 you wrote. "Claimant sustained damages and  
15 injuries, including but not limited to,  
16 monetary and/or economic damages, including  
17 but not limited to, loss of past and future  
18 income, compensation and benefits, legal  
19 fees and costs, permanent damage to his  
20 personal and professional reputation and  
21 standing in the community, loss of comfort  
22 and support, fear, extreme mental and  
23 emotional harm and stress, impairment of  
24 natural growth process, and other injuries  
25 not yet fully ascertained." How much have



1 E. Carter

2 you paid in legal fees and costs?

3 DI MR. GOODSTADT: Objection.

4 Don't answer the question.

5 MR. NOVIKOFF: Mr. Goodstadt,  
6 it's part of his Notice of Claim that  
7 this is what he's incurred. I think  
8 since you have raised it -- not you but  
9 since the Plaintiff has raised this in  
10 the Notice of Claim as damages he's  
11 seeking to recover, I'm completely  
12 entitled to asking the question how  
13 much, without going into any detail  
14 behind that.

15 MR. GOODSTADT: You can take it  
16 up with the court.

17 MR. NOVIKOFF: You're  
18 instructing him not to answer?

19 MR. GOODSTADT: I'm instructing  
20 him not to answer.

21 MR. NOVIKOFF: All right. That  
22 one I'm taking up with the court, and I  
23 may move for appropriate sanctions on  
24 that, because that's the first I heard  
25 of this.

1 E. Carter

2 MR. GOODSTADT: Every case that  
3 has statutory fee provisions, requests  
4 legal fees and costs, and if you can  
5 cite me to some authority where they  
6 were -- a defense lawyer was entitled  
7 to ask how much money was spent in  
8 legal fees up to the date of  
9 deposition --

10 MR. NOVIKOFF: Oh, no. No.  
11 No. That's not my question. And I  
12 agree with you entirely, Mr. Goodstadt.  
13 That should you prevail in this case,  
14 your client is entitled to statutory  
15 fees and costs. That's not my  
16 question.

17 Your client, in his Notice of  
18 Claim, said the items of damages or  
19 injuries claimed are legal fees and  
20 costs. My question is, has he paid any  
21 legal fees and costs to date. Not what  
22 his ultimate damages would be, or not  
23 what you could recover if you prevail.  
24 But --

25 MR. GOODSTADT: That's what he

1 E. Carter

2 was referring to there.

3 MR. NOVIKOFF: Then if that's  
4 what your answer -- if that's what  
5 you're going to put on the record, then  
6 I'll move on.

7 Let the record reflect that  
8 Mr. Goodstadt has indicated that when  
9 legal fees and costs are referred to,  
10 it's being referred to the statutory  
11 fees and costs that Plaintiff would be  
12 entitled to in the event he prevails.

13 MR. GOODSTADT: That's correct.

14 MR. NOVIKOFF: Okay.

15 Q. "Loss of comfort and support,"  
16 what did you mean by that?

17 A. My own comfort. My sleep. My  
18 support. Obviously my family supported me.  
19 I lost friends which I use as support.

20 Q. Okay. You've -- let's break it  
21 down. Loss of comfort and support you say  
22 you've lost your family's comfort and  
23 support?

24 A. No.

25 Q. Okay. I'm sorry. Go ahead. You

1 E. Carter

2 can finish your answer. My question to you  
3 is, have you lost -- when you're using the  
4 words "loss of comfort and support," have  
5 you lost your family's comfort and support?

6 A. No.

7 Q. Okay. What friends have you lost  
8 when you are referring to "loss of comfort  
9 and support"?

10 A. Several friends that I used to  
11 work with at Ocean Beach that would support  
12 you just by being around you when you worked  
13 and stuff.

14 Q. And who were they?

15 A. Who were they. John Oley, Alan  
16 Loeffler, Arnie Hardman, Paul Corallo. I  
17 could go on.

18 Q. Please, go on.

19 A. Pat Cherry. I call him  
20 Mr. Cherry. He's the older Cherry. And  
21 there were other residents and stuff which  
22 no longer talk to me.

23 Q. Well, what residents no longer  
24 talk to you?

25 A. One that I just ran into the

1 E. Carter

2 other day was the owner of the OB Market.

3 Just looked -- kept staring at me at a

4 parking violations hearing.

5 Q. Where?

6 A. In Islip.

7 Q. And he kept staring at you?

8 A. Until I walked up to him and said  
9 something. He says, "I wasn't sure if you'd  
10 talk to me."

11 Q. I'm --

12 A. "I wasn't sure if you'd talk to  
13 me."

14 Q. Did he talk to you?

15 A. After a little while.

16 Q. Okay. So he talked to you?

17 A. Not like he used to.

18 Differently.

19 Q. Well, prior to that time, what --  
20 actually, what is this gentleman's name?

21 A. I don't know his first name. He  
22 owned the OB Market.

23 Q. Okay. So you're saying you lost  
24 this friend's comfort and support, but you  
25 don't know his name?

1 E. Carter

2 A. No. It was someone I saw over  
3 there, and you know, I would see from day to  
4 day when I was working and stuff. "Hi."  
5 "How you doing." "What's up." "How's  
6 everything."

7 Q. But you don't know his name?

8 A. No.

9 Q. What other friends that aren't on  
10 the police officer -- that weren't police  
11 officers at Ocean Beach -- well, withdrawn.  
12 You mentioned residents. You just mentioned  
13 one. Any other residents that you believe  
14 you've lost as a result of the actions of  
15 Ocean Beach?

16 A. I believe I lost most of the  
17 residents. From what's been posted on the  
18 blog and stuff, it said straight out, you  
19 lost many friends.

20 Q. Yeah. I'm asking you, sir. You  
21 said that you lost the comfort and support  
22 of friends. You've identified one  
23 individual for whom you don't know the name  
24 of as a friend. What other friend can you  
25 identify for me that you've lost as a result

1 E. Carter

2 of the actions of Ocean Beach, other than  
3 those police officers that you've  
4 identified?

5 A. None that I recall at this time.

6 Q. Now the police officers that  
7 you've lost, can you describe what you mean  
8 by the phrase "you've lost them"?

9 MR. GOODSTADT: Objection.

10 Q. You can answer.

11 A. I can answer? I'm sorry. First  
12 thing was after the Gilbert incident, Paul  
13 Corallo, I used to relieve all the time. He  
14 would sit -- he would talk to me for a  
15 little while. He clammed right up.  
16 Wouldn't talk to me when I was let go. I  
17 haven't heard from him since.

18 Q. And when was the Gilbert  
19 incident?

20 A. Gilbert incident was August of  
21 2005.

22 Q. Okay. And my question to you,  
23 sir, is, what did you mean when you said you  
24 lost the friendship of those police  
25 officers? Is that the only example that you

1 E. Carter

2 can give me?

3 A. No. Their support, you know,  
4 with the friendship. A friendship.  
5 Support. You know.

6 Q. What do you mean by "support"?

7 A. Just being there for you to get  
8 through this.

9 Q. Get through what?

10 A. Get through the hard part of  
11 being let go. Terminated. Why I was  
12 terminated. Mental anguish.

13 Q. Have you reached out to any of  
14 those officers for their support and comfort  
15 that you've identified?

16 A. Yes.

17 Q. Subsequent to being let go as you  
18 say?

19 A. John Oley.

20 Q. Okay. When did you reach out to  
21 John Oley? And spell his last name for me?

22 A. O-L-E-Y.

23 Q. Okay. When did you reach out to  
24 him?

25 A. I saw him approximately



1 E. Carter

2 November -- it was late 2006 and he wouldn't  
3 even talk to me.

4 Q. Okay. But, sir, you filed this  
5 Notice of Claim in June of 2006, at least  
6 it's dated. So why don't we stick with  
7 prior to June 2006. Who did you reach out  
8 to prior to filing the Notice of Claim that  
9 would not speak to you that was a police  
10 officer at Ocean Beach for comfort and  
11 support?

12 MR. GOODSTADT: Objection.

13 MR. NOVIKOFF: I'll withdraw  
14 the question. I'll rephrase it.

15 Q. What police officer, between  
16 April 2, 2006 and June 30 2006, of Ocean  
17 Beach did you reach out for comfort and  
18 support? What officer?

19 A. None.

20 Q. None. Okay. Between 2000 --  
21 June 30, 2006 and the date you filed the  
22 complaint, which for the record is March 21,  
23 2007, what police officer at Ocean Beach did  
24 you reach out for comfort and support?

25 A. John Oley.

1 E. Carter

2 Q. Okay. And describe for me the  
3 incident involving Mr. Oley.

4 MR. GOODSTADT: Objection.

5 A. I saw Mr. Oley at Bay Shore  
6 Dunkin Donuts. I walked in. He looked at  
7 me, and I could tell immediately he didn't  
8 want me there. I walked up to him. I said,  
9 "How you doing, John?" I said, "Are you  
10 going to say hi?" And he just stared at me  
11 for a minute. And he goes, "Yeah, Eddie, I  
12 was going to say hi." And when we went  
13 outside, you know, I said, "John, why don't  
14 you ever call me? What was up? You know,  
15 we were good friends I thought." I said,  
16 "You know, what's going on? And why did  
17 George keep you and let me go, Tom, Kevin,  
18 Joe and Frank?" And he just looked. He  
19 said, "well," he said, "I don't know. Why  
20 did he let you go?" And that was it.  
21 Pretty much he blew me off.

22 Q. Why did you think John should  
23 have been let go as well as -- withdrawn.  
24 Why do you think John should have been let  
25 go if you were let go?

1 E. Carter

2 A. Because there was no reason to  
3 let me go.

4 Q. Then what reason was there to let  
5 John go?

6 A. None. Same reason.

7 Q. And prior to meeting -- prior to  
8 the -- withdrawn. Prior to seeing him in  
9 the Bay Shore Dunkin Donuts, did you reach  
10 out to John Oley between the date of the  
11 filing of the Notice of Claim and the date  
12 of the filing of the complaint?

13 A. No.

14 Q. Other -- let's now talk about the  
15 time period between March 21, 2007 and the  
16 present. What police officers at Ocean  
17 Beach have you reached out for comfort and  
18 support?

19 A. Alan Loeffler.

20 Q. Alan Loeffler?

21 A. Yes.

22 Q. Is Alan Loeffler related at all  
23 to Defendant Joseph Loeffler?

24 A. Yes.

25 Q. And what is their relationship?

1 E. Carter

2 A. Brothers.

3 Q. So you reached out to the brother  
4 of the person that you were suing  
5 individually for comfort and support, is  
6 that your testimony?

7 A. Yes. Me and Alan Loeffler were  
8 very good friends at one time.

9 Q. When did you reach out to  
10 Mr. Alan Loeffler for comfort and support?

11 A. Originally I dropped my uniforms  
12 off to him. I work with Alan in the Town of  
13 Islip to let you know, and I see him from  
14 day to day at different times.

15 At the time the lawsuit was  
16 filed, he came around the corner and he  
17 looked at me and he says, "I can't talk to  
18 you." And I said, "Al, what are you talking  
19 about? Cut the shit. What's going on?"  
20 And he says, "Well, you filed a lawsuit." I  
21 said, "Yeah." I said, "So that means our  
22 friendship's over?" And he looked at me and  
23 he walked -- you know, pretty much he talked  
24 to me for a couple seconds. Nothing -- very  
25 vague that I remember and he walked away.

1 E. Carter

2 That was it. I haven't spoken to him since.

3 Q. Are you surprised that he didn't  
4 want to talk to you, given the fact that you  
5 sued his brother?

6 A. Yes.

7 Q. You are?

8 A. Yes.

9 Q. Do you have a brother?

10 A. Yes.

11 Q. If someone sued your brother,  
12 would you want to speak to them?

13 MR. GOODSTADT: Objection.

14 A. If they were a good friend of  
15 mine, yes.

16 Q. Okay. That's interesting.

17 MR. GOODSTADT: Objection.

18 Q. Okay. So between the date of the  
19 filing of the complaint and the present, you  
20 reached out to Alan Loeffler. Anybody else?  
21 Any other police officer at Ocean Beach that  
22 you reached out for comfort and support?

23 A. No.

24 Q. Okay. So we have Mr. Loeffler  
25 and we have Mr. Oley, is that it?

1 E. Carter

2 A. Yes.

3 Q. Okay. Has your wife left you?

4 A. No.

5 Q. Have your children abandoned you?

6 A. No.

7 Q. Any other friends abandon you as  
8 a result of you not being let go -- you not  
9 being rehired on April 2, 2006 by Ocean  
10 Beach?

11 MR. GOODSTADT: Objection.

12 A. No.

13 Q. Okay. You mention as part of  
14 your loss of comfort, that you couldn't  
15 sleep. Did I fairly characterize your  
16 testimony?

17 A. Yes.

18 Q. When did you -- when did you  
19 start having difficulty sleeping in relation  
20 to April 2, 2006?

21 A. April 2, that night.

22 Q. Okay. And how long has it  
23 continued, if at all?

24 A. It continued originally for  
25 approximately a week and a half, and every

1 E. Carter

2 time I see one of these defamatory remarks  
3 or whatever on that blog or someone brings  
4 it up to me, I relive it. I relive April 2.

5 Q. Okay. And when's the last time  
6 you looked at the blog?

7 A. Approximately one week ago.

8 Q. Why?

9 A. Because someone told me there was  
10 posted -- something posted about me on  
11 there.

12 Q. What was posted a week ago?

13 A. That myself and another officer  
14 were doing official misconduct again by  
15 falsifying time cards basically.

16 Q. Who posted it?

17 A. I don't know.

18 Q. Do you know, as you sit here  
19 today, the identity of anyone who posted  
20 anything on this blog that you're referring  
21 to?

22 A. Yes.

23 Q. Who?

24 A. Tom Snyder.

25 Q. Oh. So Mr. Snyder's a defendant?

1 E. Carter

2 MR. GOODSTADT: Objection.

3 Q. Is Mr. Snyder a Plaintiff in this  
4 lawsuit?

5 A. Yes.

6 Q. And it's your testimony that  
7 Mr. Snyder posted something on the blog?

8 A. In --

9 Q. No. Just -- don't tell me when.

10 A. Yes.

11 Q. How do you know that Mr. Snyder  
12 posted something on the blog?

13 A. He told me, and I went on the  
14 blog and I saw it posted there.

15 Q. I'm sorry?

16 A. I went on the blog and saw it  
17 posted there.

18 Q. When did Mr. Snyder tell you he  
19 posted something on the block blog?

20 A. April of 2006.

21 Q. Shortly after April 2, 2006?

22 A. Within that week, yes.

23 Q. Within that week. Did Mr. Snyder  
24 advise you as to why he was posting anything  
25 on this blog?



1 E. Carter

2 A. Yes.

3 Q. Why? What did he say to you?

4 A. He said, "Ed, someone posted  
5 something about me and you, mostly about you  
6 working Halloween night, doing official  
7 misconduct and falsifying paperwork. I  
8 posted something in response to it saying  
9 that you were not working, that you did not  
10 do any of that," and he ID'd himself in that  
11 blog that, "whoever you are posting this,  
12 you know who I am and where to get in touch  
13 with me now. My name's Tom."

14 Q. Okay. Is that the only time, to  
15 your knowledge, that Mr. Snyder posted  
16 something on the blog?

17 A. Yes.

18 Q. To your knowledge, has any  
19 other -- has any other Plaintiff posted  
20 anything on the blog?

21 A. No.

22 Q. Other than Mr. Snyder, do you  
23 know -- do you have personal knowledge of  
24 the identity of any person who posted  
25 anything on the blog since April 2, 2006

1 E. Carter

2 through the present?

3 A. Yes.

4 Q. Who?

5 A. Tyree Bacon.

6 Q. How do you know that Tyree Bacon  
7 posted anything on the blog?

8 A. Tom Snyder had a meeting with  
9 George Hesse in May of 2006 complaining  
10 about the -- one of the blogs was the "OB  
11 resident" the name was. He complained that  
12 even residents are posting about us, the  
13 officers that were let go, and George Hesse  
14 told him, "Tom, it's not the residents.  
15 It's us in the police department and Tyree  
16 Bacon."

17 Q. Okay. So you don't have personal  
18 knowledge that it's Tyree Bacon, the only  
19 knowledge you have is that Mr. Snyder told  
20 you that Mr. Hesse told him that it was  
21 Tyree Bacon?

22 A. Yes.

23 Q. Okay. Have you gone to a doctor  
24 with regard to your lack of ability to sleep  
25 on certain occasions since April 2, 2006?

1 E. Carter

2 A. No.

3 Q. Have you taken any medication?

4 A. No.

5 Q. Has it interfered with your  
6 full-time job?

7 A. Yes.

8 Q. How has it interfered with your  
9 full-time job?

10 A. I went to work a couple nights,  
11 you know, with a fogged head. I wasn't 100  
12 percent.

13 Q. When do you work for the Town of  
14 Islip? What are your normal hours?

15 A. I don't have normal hours. I  
16 work different shifts. Right now I work  
17 midnight to 8:00.

18 Q. Midnight to 8:00. And a couple  
19 of -- is it your testimony that a couple of  
20 occasions you went to a job -- your job at  
21 night with a fogged head?

22 A. With stuff in my head about the  
23 beach, yes.

24 Q. And how did that interfere with  
25 your job? Did you commit any acts of

1 E. Carter

2 negligence that day?

3 A. No.

4 Q. Were you reprimanded at all for  
5 conduct -- for anything that went on during  
6 that day that you went to work with a fogged  
7 head?

8 A. No.

9 Q. Did you lose any benefits as a  
10 result of anything that took place on those  
11 few occasions that you went to work with a  
12 fogged head?

13 A. No.

14 Q. Did you get demoted at all?

15 A. No.

16 Q. Was there any adverse action  
17 taken against you as a result of anything  
18 you may have done on those few occasions  
19 that you went to work with a fogged head?

20 MR. GOODSTADT: Objection.

21 A. No.

22 Q. Have you sought any -- have you  
23 been to a psychiatrist at all with regard to  
24 any issues concerning your lack of sleep?

25 A. No. I couldn't.

1 E. Carter

2 Q. You couldn't?

3 A. No.

4 Q. Why couldn't you go see a  
5 psychiatrist?

6 A. Because of my professional  
7 full-time job, the minute you see a  
8 psychiatrist, a mental health report would  
9 have been forwarded there.

10 Q. Let me understand this, if you  
11 went to see a psychiatrist, you would have  
12 to report that to your superior?

13 A. To my employee assistant program,  
14 yes.

15 Q. And what is your understanding as  
16 to why you would have to report that?

17 A. As a peace officer in New York  
18 State, it would go on my permanent record  
19 and it would automatically be flagged and  
20 sent over there.

21 Q. And do you know what statute  
22 requires you to notify anyone at your job  
23 that you went to see a psychiatrist?

24 MR. GOODSTADT: Objection.

25 A. Not at this time.

1 E. Carter

2 Q. Can you tell me where you get  
3 this information from that you've just  
4 testified to, that you're required to notify  
5 your employer that you went to see a  
6 psychiatrist?

7 A. Well, my promotion pending, and  
8 my belief -- my belief is that it would have  
9 affected that, and I would have had to make  
10 that personal knowledge, public knowledge --  
11 personal knowledge at work.

12 Q. And what is your belief based on?  
13 That's really what I'm asking you. What is  
14 your belief based on that had you gone to  
15 see a psychiatrist or a mental health  
16 professional, you would have had to notify  
17 your employer?

18 A. Past interviews.

19 Q. Past interviews with whom?

20 A. With different agencies with  
21 myself.

22 Q. And what did these interviewers  
23 say to you, if anything, that led you to  
24 believe that were you to go to a  
25 psychiatrist, you would have to notify them,

1 E. Carter

2 notify an employer that you went to see a  
3 psychiatrist?

4 A. I had to fill out a disclosure  
5 form for the Mental Health Department for  
6 New York State.

7 Q. And what was the disclosure form?

8 A. It was a standard New York State  
9 disclosure form asking about my past  
10 psychological history. If there was any  
11 contact with a psychiatrist or whatever.

12 Q. Do you have a copy of this form  
13 in your custody, possession or control?

14 A. No.

15 Q. Who would have -- for whom did  
16 you fill this form out?

17 A. I've had to fill it out for the  
18 Town of Islip and I've seen it at Ocean  
19 Beach with the applicant investigation  
20 packet.

21 Q. All right. I'll look for that  
22 form. You write "extreme mental and  
23 emotional harm and stress." What did you  
24 mean by that?

25 A. The emotional harm and stress of

1 E. Carter

2 going back -- like I said, when you see  
3 stuff on the blog and reliving April 2, the  
4 termination, and I -- you know, it's very  
5 disturbing to me to this day.

6 Q. What physical reactions, if  
7 any -- well, what physical manifestations,  
8 if any, do you believe have resulted from  
9 this extreme mental and emotional harm and  
10 stress?

11 A. My heart would race. I would get  
12 severe headache. I would take -- I would  
13 have to take Tylenol with codeine.

14 Q. Is your heart racing now?

15 A. No.

16 Q. You're reliving April 2 today,  
17 aren't you?

18 A. At a different point, yes. Where  
19 I'm not seeing something put in the computer  
20 or whatever or put in my face that I did  
21 illegally that I didn't.

22 Q. So if we -- is it your testimony  
23 that if I showed you the blog, that would  
24 cause your heart to race?

25 MR. GOODSTADT: Objection.



1 E. Carter

2 A. If you showed me parts of  
3 postings, yes.

4 Q. And have you seen any doctor  
5 concerning your heart racing?

6 A. No.

7 Q. That's pretty serious, wouldn't  
8 you agree?

9 A. No. Because it comes and it  
10 goes.

11 Q. Okay. So you didn't think it was  
12 serious enough to see a doctor?

13 A. No.

14 Q. Other than your heart racing, was  
15 there any other physical manifestations of  
16 this extreme mental and emotional harm and  
17 stress that you allege?

18 A. The anguish. The -- I told you I  
19 had to take Tylenol with codeine a couple  
20 times.

21 Q. With codeine?

22 A. The ones you buy over the  
23 counter.

24 Q. Oh, okay.

25 A. I think -- I believe that's what

1 E. Carter

2 they have in them.

3 Q. And have you seen any doctor  
4 concerning the headaches?

5 A. No.

6 Q. How many times have you had  
7 headaches resulting from seeing the blog  
8 that resulted -- that caused you to take  
9 Tylenol?

10 A. I couldn't give you an exact  
11 amount now. Approximately, at least a dozen  
12 times.

13 Q. Over the two and a half year time  
14 period?

15 A. Yes. But I don't look at the  
16 blog all the time.

17 Q. I understand that. But it's  
18 about two and a half years since April 2,  
19 right?

20 A. Yes.

21 Q. "Other injuries not yet fully  
22 ascertained," do you see that?

23 A. Yes.

24 Q. Well, this was filed -- well,  
25 this is dated June 30, 2006. We're now in

1 E. Carter

2 September of 2008. Have you ascertained yet  
3 those other injuries?

4 MR. GOODSTADT: Objection.

5 A. Not that I'm aware of.

6 Q. Okay.

7 A. Sir, if I may.

8 Q. Sure.

9 A. This paragraph is -- the  
10 sentences in this paragraph are contained  
11 obviously in a paragraph. The paragraph as  
12 a whole is what I signed the notice of  
13 complaint.

14 Q. I understand that. And you've  
15 made certain allegations in this paragraph  
16 concerning what your damages are, and one of  
17 them was "other injuries not yet fully  
18 ascertained," and my question to you, sir,  
19 if you need to respond again to it, was  
20 between June 30, 2006 and today, have you  
21 ascertained yet the other injuries?

22 MR. GOODSTADT: Objection.

23 A. Not to my knowledge, no.

24 Q. "Impairment of natural growth  
25 process," what did you mean by that?

1 E. Carter

2 A. I've lost hair.

3 Q. You've what?

4 A. I've lost hair.

5 Q. How old are you?

6 A. I'm 43 now.

7 Q. When did you start losing hair?

8 A. I've lost clumps -- I started  
9 losing my hair 42.

10 Q. So -- and how old are you now?

11 A. 43.

12 Q. So is it your testimony that  
13 within the last year, you went from a full  
14 set of hair to what appears now to be a  
15 significantly receding hair line?

16 A. No.

17 Q. No. So you started losing hair  
18 before the age of 42, correct?

19 A. Not as much as after 42.

20 Q. Did you start losing your hair  
21 before the age of 42?

22 A. Yes.

23 Q. When did you start losing your  
24 hair, sir?

25 A. I don't know. I don't recall.

1 E. Carter

2 MR. NOVIKOFF: Well, let's  
3 look at what has been identified as  
4 9270. I don't have copies of it, but  
5 it's a picture of Mr. Carter. Let's  
6 mark this as Exhibit-2.

7 (Document Bates stamped 9270  
8 was marked as Carter Exhibit-2 for  
9 identification; 9/16/08, E.L.)

10 Q. I'm going to show you what's been  
11 marked as Exhibit-2. If you want to show it  
12 to your attorney before I ask you questions,  
13 by all means do so. Is that a picture of  
14 you, sir?

15 A. Yes, sir.

16 Q. Do you know when this picture was  
17 taken?

18 A. I believe it was taken in 2005.

19 Q. Okay. Do you know for what  
20 purpose it was taken in 2005?

21 A. Grand jury subpoena.

22 Q. A grand jury subpoena?

23 A. Yes.

24 Q. What grand jury subpoena?

25 A. That George Hesse had on his desk

1 E. Carter

2 that the grand jury subpoenaed pictures of  
3 the officers for Gilbert.

4 Q. My question to you, sir, was when  
5 was your picture taken?

6 A. In 2005.

7 Q. Where?

8 A. In the police station.

9 Q. Which police station?

10 A. Ocean Beach.

11 Q. Okay. And the purpose of taking  
12 that picture was related to a grand jury  
13 subpoena?

14 A. Yes.

15 Q. Okay. And would you describe for  
16 me -- well, would it be fair to say that on  
17 that picture, your hair line is  
18 significantly receded?

19 A. Yes.

20 Q. Okay. So would you agree with me  
21 that at some point in time prior to 2005,  
22 your hairline has significantly -- was  
23 significantly receding?

24 A. Yes.

25 Q. Do you have any pictures of you

1 E. Carter

2 prior to 2005 in your custody, possession or  
3 control?

4 A. Driver's license.

5 Q. Do you have a driver's license on  
6 you right now?

7 A. Yes.

8 Q. When was your driver's license  
9 taken?

10 A. I don't know at this time without  
11 looking at it.

12 Q. Can you please look at your  
13 driver's license now?

14 MR. GOODSTADT: Objection.

15 Objection. You can make a document  
16 request. He's not taking a document  
17 that's not related to this case out of  
18 his pocket to look at now.

19 RQ MR. NOVIKOFF: All right.

20 We'll make a request for the driver's  
21 license.

22 Q. Do you have any other pictures in  
23 your home of you, prior to 2005?

24 A. I'm sure there are.

25 RQ MR. NOVIKOFF: Okay. I'm going

1 E. Carter

2 to call for the production of copies of  
3 all pictures in your custody,  
4 possession or control that would show  
5 what your hair looked like prior to  
6 2005 going back to the time that you  
7 were 21.

8 MR. GOODSTADT: Note my  
9 objection, and I'll take it under  
10 advisement.

11 Q. Have you seen a doctor concerning  
12 the clumps of hair that you say that have  
13 left your head?

14 A. No, sir.

15 Q. Do you agree with me that  
16 clumps -- that clumps of hair falling out of  
17 your head is pretty serious, correct?

18 MR. GOODSTADT: Objection.

19 A. I believe it was due to the  
20 stress and that's what I know.

21 Q. My question isn't what it's due  
22 to. Would you agree with me that losing  
23 clumps of your hair is pretty serious?

24 A. It's serious I guess. Yes.

25 Q. Cause you concern, correct?



1 E. Carter

2 Right?

3 A. Little bit.

4 Q. Little bit? Not a lot?

5 MR. GOODSTADT: Objection.

6 Q. Have you had a history of  
7 clumping of hair falling out of your head?

8 A. No.

9 Q. Did you go to a doctor?

10 A. No.

11 Q. Did you seek any type of medical  
12 advice concerning why clumps of your hair  
13 were falling out?

14 A. No.

15 Q. Okay. When did you retain  
16 Mr. Goodstadt's law firm in connection with  
17 this Notice of Claim or any aspect of the  
18 April 2, 2006 incident?

19 MR. GOODSTADT: Objection.

20 Q. You can answer.

21 A. The summer of 2006.

22 Q. Well, the summer starts in June,  
23 correct? What do you mean by "summer"?  
24 What months would be contained?

25 A. May or June of 2006.

1 E. Carter

2 Q. Okay.

3 A. June.

4 Q. In relation to June 30, 2006 --

5 A. Yes.

6 Q. When -- how long prior to June  
7 30, 2006 did you retain Mr. Goodstadt's law  
8 firm?

9 MR. GOODSTADT: Objection.

10 A. I don't recall at this time.

11 Q. Weeks earlier?

12 A. I don't recall without a document  
13 in front of me showing.

14 Q. Okay. Would that be -- did you  
15 sign a retainer agreement with  
16 Mr. Goodstadt's law firm?

17 A. Yes.

18 Q. Okay. Then I'm going to leave a  
19 space in the transcript for you to -- well,  
20 would that be a document that would refresh  
21 your recollection?

22 A. I believe so. Yes.

23 MR. NOVIKOFF: Then I'm going  
24 to leave a space in the transcript and  
25 ask you to look at that document, and

1 E. Carter

2 to the extent that it refreshes your  
3 recollection as to the question I just  
4 posed, please fill in the answer.

5 MR. GOODSTADT: Objection.

6 INSERT:

7 Q. How did you come about first  
8 meeting Mr. Goodstadt? Now my question is,  
9 I don't want to know about anything you said  
10 to Mr. Goodstadt. I don't want to know if  
11 Mr. Goodstadt called you or if you called  
12 Mr. Goodstadt. My question to you is, when  
13 did you first learn of Mr. Goodstadt's law  
14 firm?

15 A. In the latter part of May, early  
16 June of 2006.

17 Q. How did you learn of  
18 Mr. Goodstadt's law firm?

19 MR. GOODSTADT: Objection.

20 Q. To the extent it doesn't call for  
21 you to advise me of communications between  
22 you and Mr. Goodstadt's law firm or any  
23 lawyers involved with his law firm.

24 A. While doing a Google search for  
25 lawyers, because I felt I had a claim and

1 E. Carter

2 didn't want to use one on the Island, so  
3 wound up coming up with Thompson Wigdor &  
4 Gilly.

5 Q. Okay. And to your knowledge,  
6 were any of the other Plaintiffs looking for  
7 lawyers at that time?

8 A. Frank Fiorillo.

9 Q. How do you know that Frank  
10 Fiorillo was looking for a law firm at that  
11 time?

12 A. Frank Fiorillo got in touch with  
13 me and we talked.

14 Q. In relation to when you did the  
15 Google search, when did Mr. Fiorillo get in  
16 touch with you?

17 A. Approximately a day or so.

18 Q. Prior to the Google search?

19 A. Yes.

20 Q. What did Mr. Fiorillo say to you?

21 A. Well, I actually spoke to --  
22 Frank called me because I didn't have his  
23 number. I told him about what George had  
24 told me and he had gone trying to get a  
25 couple jobs trying to secure him, he